

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

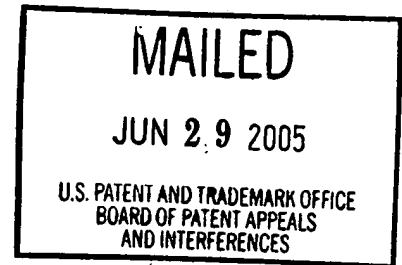
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Ex parte DIETER DOHRING  
AND ANTON OTT

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Application 09/647,130

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on April 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

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In the Final Rejection of April 26, 2004, the examiner applied solely on the references of Lindgren and Veneziale. However in the Examiner's Answer dated December 1, 2004, the examiner now cited on page 3 three U.S. Patents as prior art of record: Lindgren (4,940,503); Veneziale (3,663,341); and Werz (4,153,490). On page 3 of the Answer, it is quoted:

"**WERZ** teaches a method of manufacturing composite articles, in general, and suggests that the transparent protective layer is usually an overlay paper or a glass fiber fleece (Column 1, Lines 55-60)."

On page 8 of the Answer, the examiner refers to Werz in combination with the Veneziale arguments stating:

Werz specifically details the common use of overlay papers and glass fiber fleeces in the manufacture of surface protective layers for laminate assemblies."

It is unclear what the examiner's intentions are in regard to the reference of Werz for such was not applied in the Final Rejection. The case is being returned to the examiner for further explanation of his reliance upon this newly cited reference, and to either withdraw the reference or to submit a revised examiner's answer with a new ground of rejection, which includes the reference of Werz with appropriate Director

Application 09/647,130

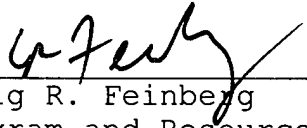
Approval, together with withdrawal of the previous Examiner's Answer.

Accordingly, it is

**ORDERED** that the application is returned to the examiner for consideration of the above, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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